

Memorandum

Date : September 18, 2000

To : All Holders of Enforcement Division Directives Manuals

From : Department of Fair Employment & Housing
Office of the Deputy Director, Enforcement Staff Operations
(213) 439-6761 CALNET 8-213-439-6761

Subject : The Salvation Army: Religious, Non-Profit Exemption
(Complaints Against Religious, Non-Profit Organizations - Directive 213)

The Department's Legal Unit has determined that The Salvation Army falls within the definition of a religious corporation not organized for private profit, within the meaning of Government Code section 12926, subdivision (d)(1). Therefore, in most cases, The Salvation Army is not subject to the provisions of the Fair Employment and Housing Act. The exceptions include complaints involving a violation of the California Family Rights Act and complaints containing reference to an employment situation involving the provision of health care.

When an employment complaint against The Salvation Army is identified at intake that meets Title VII jurisdiction, it should be accepted, registered and waived to EEOC using Closing Category 11: "Processing Waived to Another Agency." Such complaints that are not jurisdictional with EEOC should be accepted for "filing purposes only" in accordance with the procedures set forth in Directive 228. Should a complaint filed against The Salvation Army contain reference to an employment situation involving the provision of health care, the matter should be forwarded to the Legal Unit for an opinion as to whether the entity may qualify as an "employer" under Government Code section 12926.2. CFRA complaints against The Salvation Army should be processed in the same manner as those filed against other employers.

Currently, open complaints filed against The Salvation Army that are dual filed with EEOC should be waived to EEOC using Closing Category 11: "Processing Waived to Another Agency." Such complaints that are not dual filed should be closed using Closing Category 01: "No Jurisdiction."

After familiarizing yourself with the contents of this memorandum, make the appropriate entry in the index and file it in front of Directive 213 in the Enforcement Division Directive Manual.

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Deputy Director
Enforcement Staff Operations